

ELECTRONIC FILING USER GUIDE

State of New Mexico

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TABLE OF CONTENTS

1. MANDATORY ELECTRONIC CASE FILING	2
2. ELECTRONIC RECORD.	2
(A) The Electronic Record is the official record	
(B) Retrieving scanned documents	
(C) Seals	
3. PARTICIPANT REGISTRATION	2
(A) Registration requirements	
(B) Logins and passwords	
4. PAYMENT OF FEES	3
(A) On-line payment of fees	
(B) Acceptable credit cards	
(C) Rejected credit card	
(D) Requesting refunds	
5. SERVICE CONTACT LIST.	3
6. SERVICE & NOTICE	3
(A) Complaints and other initiating pleadings	
(B) Service of other documents	
(C) Certificates of service	
7. ELECTRONIC FILING	4
(A) Acceptable formats for E-Filing	
(B) Items that cannot be converted or scanned	
(C) Submitting proposed clerk-issued documents	
(D) Motions and related documents	
(E) Large files	
8. PROPOSED ORDERS AND OTHER PROPOSED DOCUMENTS	4
(A) Acceptable formats for proposed documents	
(B) Proposed orders or other proposed documents should NOT be E-Filed with the court clerk	
(C) Format and procedures for submitting proposed orders or other documents required by the judge	
9. VALID, WORKING E-MAIL ADDRESSES	5
10. ORIGINAL INSTRUMENTS	5
11. DEFAULTS	5

1. MANDATORY ELECTRONIC CASE FILING

In accordance with statewide Rule 1-005.2 NMRA and applicable local rules, electronic filing is mandatory for all civil and probate actions in district courts that have enacted local rules approved by the Supreme Court implementing electronic filing. This User Guide, together with statewide Rule 1-005.2 and applicable local rules, govern the procedures for electronic filing. If there are any conflicts between the rules and this User Guide, the rules shall control.

2. ELECTRONIC RECORD

(A) The Electronic Record is the official record. The Electronic Record includes documents filed electronically by participants, as well as documents originally filed in paper format that have been scanned and electronically submitted by the Clerk's Office.

(B) Retrieving scanned documents. At any time scanned documents can be retrieved and printed.

(C) Seals. Seals, e.g., notary seals, must be visible when scanned. Note: embossed seals without enhancement are not visible when scanned.

3. PARTICIPANT REGISTRATION

(A) Registration requirements.

(1) Registered participants. A registered participant is any person who has completed the registration and training requirements and is issued a login and password. A participant may authorize employees to act on his or her behalf.

(2) Overview of requirements. To become a participant in the Court's system, individuals must:

(a) maintain a current Internet e-mail address where notice and service will be made; and,

(b) provide and maintain a valid credit card for billing purposes.

(3) Training requirements. Participants and authorized employees acting on behalf of a participant are strongly encouraged to participate in an online training session.

(B) Logins and passwords.

(1) Participant usage. Any password issued for electronic filing must be used exclusively by the participant to whom the password is assigned or by his or her authorized employee(s).

(2) Authorization. No person may knowingly use the password of a participant unless such person is so authorized by the participant to whom the password is assigned.

(3) Security. If an employee of a participant is no longer authorized to use the password, or if the participant has reason to believe that the security of a password has been compromised, it is the participant's responsibility to change the password.

4. PAYMENT OF FEES

(A) On-line payment of fees. Payment for transactions that require a fee are made on-line on the same day that the transaction is electronically filed.

(B) Acceptable credit cards. Only VISA, Mastercard, and Discover credit cards will be accepted. Debit cards from the above mentioned providers that do not require a "PIN" code will also be accepted. The credit card will be charged with the convenience fee dictated by that credit card vendor for fees other than those charged for electronic filing and service. American Express is not currently accepted but will be in the near future.

(C) Rejected credit card. If a credit card is declined, no transaction can be submitted for filing.

(D) Requesting refunds. Should a fee paid through the electronic system be erroneously charged, the Registered Participant must move the Court for a refund by filing a *Motion to Refund Filing Fees Paid Online*. The motion must state the reason for the refund, and the amount to be refunded. Refunds may only be made by written court order.

5. SERVICE CONTACT LIST

You are required to enter your contact information in the **Service Contact List** in **each individual case** to ensure you are receiving notification of any documents. This is different from the Firm Service Contact List which is simply a list of attorneys registered for e-filing and is **NOT ATTACHED** to any specific case.

6. SERVICE & NOTICE

(A) Complaints and other initiating pleadings. Complaints and other initiating pleadings cannot be served electronically.

(B) Service of other documents.

(1) Notice of Electronic Filing. Whenever a pleading or other document is e-filed **and** e-served the system will generate a Notice of Electronic Filing, which is an e-mail verification that the court received the e-filed document. The Notice of Electronic Filing is the official notice of the filing to all parties entered in the Service Contact List for that individual case, and includes the text of the docket entry, as well as a link to the filed document. If you e-file **only**, a Notice of Electronic Filing is not issued; therefore, you must take other measures in accordance with the Rules of Civil Procedure to serve the document.

(2) Participants. If the recipient is listed on the Service Contact List for that individual case, then transmission of the Notice of Electronic Filing by the electronic filing system is the equivalent of service under Rule 1-005.2 NMRA.

(3) Non-Participants. If the recipient is not listed on the Service Contact List for that individual case, then service by the filer must be made pursuant to the Rules of Civil Procedure through another method authorized by those rules.

(4) Service of Paper Documents. Whenever a pleading or other document is filed in paper form, the filer must serve all parties to the case with the document.

(C) Certificates of service. A certificate of service on all parties is still required when a document is filed electronically. The certificate must state the manner in which service was accomplished on each party and must appear as the last page of the document being electronically filed.

7. ELECTRONIC FILING

(A) Acceptable formats for E-Filing. The e-filing service provider only accepts documents for e-filing in the following formats: Word, WordPerfect, PDF and TIF. Macros should be removed from all documents before filing.

(B) Items that cannot be converted or scanned. Any exhibit or attachment that cannot be scanned or otherwise converted to electronic format is exempt from electronic filing. However, such items must be accompanied by a “Notice of Exhibits” or “Notice of Attachments” clearly referencing the e-filed document to which the exhibits or attachments should be attached.

(C) Proposed clerk-issued documents (summons, writs, certificates, subpoenas, transcripts of judgment, letters testamentary, etc.). Documents to be issued by the court shall be submitted to appropriate email address listed on the e-filing web page at nmcourts.gov. The Clerk will electronically issue the summons, etc., and return it via e-mail to the party who submitted it. It is that party’s responsibility to electronically file the issued document.

(D) Motions and related documents filed as separate documents. Motions and responses, etc., are always filed as separate documents. For example, a cross-motion for summary judgment should never be combined in the same document with a response to a motion for summary judgment. It is critical that the cross-motion be filed separately so that it will appear on the Pending Motions Report and can be properly linked to any subsequent responses, replies, notices and orders. One should not confuse “documents” or “pleadings” with “transmissions.” Although filed as separate documents, all such documents in a single case, also known as an “envelope”, may be electronically filed in a single transmission for one electronic filing fee of \$6.00 or one electronic filing and service fee of \$10.00.

(E) Large files. Scanned documents that exceed the allowable document size will fail to file due to transmission time, and the system will issue an error message. Therefore, documents that exceed allowable document size of 6 megabytes (which is equivalent to approximately 350 pages of text) will need to be divided into logical segments for filing in the same envelope, with each segment easily understood as a stand-alone document. Documents with images or scanned documents have the potential to be quite large, thus filers must verify that such documents do not exceed 6 megabytes.

8. PROPOSED ORDERS OR OTHER PROPOSED DOCUMENTS

(A) Acceptable formats for proposed documents. Proposed documents are documents that bypass e-filing until that document is signed or otherwise adopted by the Court (e.g., proposed orders, notices of hearing, etc.). Proposed documents are only accepted in Word and WordPerfect. Any proposed document should be transmitted by e-mail to the assigned judge at the email address listed on the e-filing

web page at nmcourts.gov. Macros should be removed from all documents before emailing them.

(B) Proposed Orders or other proposed documents SHOULD Not Be E-Filed With the Court Clerk. Proposed orders or other proposed documents **shall be** submitted along with an endorsed copy of the motion to the assigned judge's proposed document e-mail address listed on the e-filing web page at nmcourts.gov.

(C) Format and procedures for submitting proposed orders or other documents. A proposed order or document required by a judge shall be submitted as an attachment to an e-mail sent directly to the assigned judge at that judge's e-mail address listed on the e-filing web page at nmcourts.gov. The proposed document submitted must be named and saved as "case number-type of document", (Example: CV-2011-00809-Order to Dismiss). The subject line of the cover e-mail must include:

- the case number, and
- a very brief description of the proposed document;
- **(Example: D 0101 CV 2011-00100, Order to Dismiss).**

9. VALID, WORKING E-MAIL ADDRESSES. It is the responsibility of every registered user to have a valid, working e-mail address that is checked regularly. The Court assumes no responsibility for inoperable e-mail addresses or unread e-mail.

10. ORIGINAL INSTRUMENTS (E.G., WILLS). Any instrument that is required by current Rules of Civil Procedure, statutory law, or any other substantive law to be submitted as an original or authenticated copy continues to be subject to such requirements. E-filing procedures or rules do not supplant any other requirements for filing or submitting originals or authenticated copies.

11. DEFAULTS.

(A) Foreclosure cases. Any attorney filing a foreclosure default judgment shall submit the following documents as part of the foreclosure default judgment "packet":

1. Motion for Default Judgment
2. Certificate as to the State of the Record and Non-Appearance
3. Affidavit of Non-Military Service
4. Affidavit and Verification by the loan officer verifying that note is owned by lender and the amount due on the note (attach copy of note to Affidavit)
5. Affidavit and Verification by Attorney verifying that the original note is in the attorney's/law firm's possession

A proposed Order of Default Judgment shall be e-mailed to the assigned judge along with courtesy copies of all other default pleadings in the packet. Due to concerns about setting aside a judgment after an original mortgage note is marked as "merged with the judgment", the original note need not be submitted to the assigned judge's office. Instead, the Order Approving the Special Master Sale must contain the following language: *"That the original note will hereby be merged into the judgment upon expiration of the redemption period."* This language will be utilized in lieu of submitting the original note to the court and is verifiable through the submission of the affidavit by the loan officer (#4 above).

(B) Other civil cases. Any attorney filing a default judgment in a civil case that is not a foreclosure case shall submit the following documents as part of the default judgment “packet”:

1. Motion for Default Judgment
2. Certificate as to the State of the Record and Non-Appearence
3. Affidavit of Non-Military Service

A proposed Order of Default Judgment shall be e-mailed to the assigned judge along with courtesy copies of all other default pleadings in the packet.